

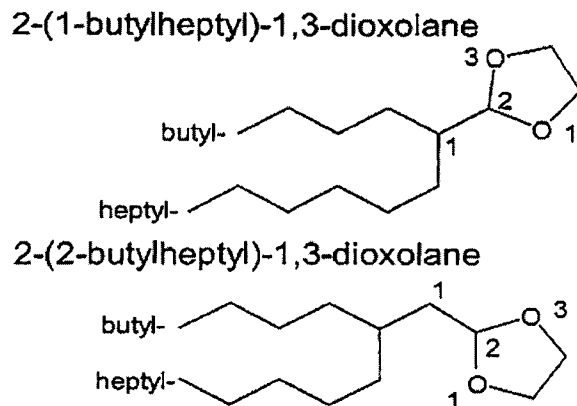
REMARKS/ARGUMENTS

Claims Status

Claims 1-11 and 18-20 are pending. Claims 1, 2 and 6-9 are withdrawn pursuant to a previous Restriction Requirement. Claims 3-5, 10, 11, 18 and 19 are currently amended. The amendments to claims 3, 18 and 19 find support in the specification: page 15, lines 1-13, and page 17, line 1, to page 18, line 9. The amendments to claims 4 and 5 find support in the specification: page 15, line 17, to page 16, line 12. Claims 10 and 11 are amended for grammatical purposes and to include proper Markush group language, respectively. Claims 12-17 were previously canceled without prejudice. Claim 20 is added and finds support in the specification: page 39, lines 15-19. No new matter is believed to have been entered.

Amendments to the Specification

Numerous amendments to paragraphs and tables of the specification have been made to correct naming errors of some of the dioxolane compounds. For example 2-(1-octenylundecyl)-1,3-dioxolane was mistakenly named 2-(2-octenylundecyl)-1,3-dioxolane (see page 25, line 16). Applicants point out that support for correction of the names can be found, for example, in the description of the dioxolane compound having a branched alkyl group as in the side chain represented by formula (11) (see page 23, line 11, to page 25, line 21). Further support can be found in IUPAC Rule A-2 (submitted herewith). Applicants provide the following exemplary explanation:



As can be seen from the above structures, 2-(1-butylheptyl)-1,3-dioxolane is a dioxolane compound having a branched alkyl group as in the side chain represented in formula (11).

Rejections based on *Mazet*

Claims 3 and 4 are rejected as anticipated by *Mazet* (Bulletin de la Societe Chimique de France, 12, 1969). Claims 3, 10, 11 and 19 are rejected as obvious in view of the combination of *Mazet* and *Cramarossa* (Tetrahedron, Vol. 53, No. 46, Nov. 1997, pgs. 15889-15894). Applicants respectfully traverse these rejections.

Mazet discloses the compound 5,5-dibutyl-2-(1-butylhexyl)-1,3-dioxane, which when correlated to the claimed invention results in $i+j = 7$ which is not within the claimed range of 10-70 (see claim 3). Additionally, i or $n=3$ of the *Mazet* compound, which means $j=4$ of the *Mazet* compound; however, the claimed invention requires that $j=5$ for this scenario (i.e., $j=n+2$) (see claim 4). Accordingly, *Mazet* does not disclose or suggest the compounds as claimed in claims 3 and 4, as well as dependent claims 10, 11 and 19.

Cramarossa discloses that acetals are prepared from carbonyl compounds such as aldehydes and diols using acid catalysts; however *Cramarossa* does not fulfill the deficiencies of *Mazet* as described above.

Accordingly, the combination of *Mazet* and *Cramarossa* fails to disclose or suggest the claimed invention for the same reasons as discussed above with respect to *Mazet*.

Rejections based on *Annex to OJEC*

Claims 3-5 are rejected as anticipated by the *Annex to the Official Journal of the European Communities* (June 15, 1990). Claims 3-5, 10, 11 and 19 are rejected as obvious in view of the combination of the *Annex* and *Cramarossa*. Applicants respectfully traverse these rejections.

The *Annex* discloses the compound 2-(1-butylheptyl)-1,3-dioxane, which when correlated to the claimed invention results in $i+j = 8$ which is not within the claimed range of 10-70 (see claim 3). Accordingly, the *Annex* does not disclose or suggest the compounds as claimed in claim 3, as well as dependent claims 4, 5, 10, 11 and 19.

Cramarossa discloses that acetals are prepared from carbonyl compounds such as aldehydes and diols using acid catalysts; however *Cramarossa* does not fulfill the deficiencies of the *Annex* as described above.

Accordingly, the combination of the *Annex* and *Cramarossa* fails to disclose or suggest the claimed invention for the same reasons as discussed above with respect to the *Annex*.

Rejection based on *Tomiyama*

Claims 3, 4, 10, 11 and 19 are rejected as obvious in view of *Tomiyama* (US 4,631,292). Applicants respectfully traverse this rejection.

The Office itself recognizes that “Tomiyama et al. do not expressly disclose a compound having the claimed general formula (2)” (Office Action, page 6, item 14).

Applicants agree and note that *Tomiyama* discloses 2-(n-nonyl)-6-methyl-1,3-dioxane (col. 1, lines 62-68).

Despite the Office's allegations to the contrary, Applicants submit that this compound of *Tomiyama*, while being perhaps the closest to the claimed invention, still fails to disclose or suggest (1) the claimed alkylacetal compound of formula (2) *wherein $i+j=10-70$* (see claim 3) *and/or $n=7-15$* (see claim 4); (2) producing the claimed alkylacetal compound of formula (2) *using a glycol of formula (8)* (see claims 10 and 11); and (3) producing the claimed alkylacetal compound of formula (2) *by reacting an alcohol with an aldehyde of formula (6) wherein $i+j=10-70$* (see claim 19).

As the Office has not addressed the particulars of the claims rejected under *Tomiyama* (i.e., see italicized portions above), other than to say "a person of ordinary skill has good reason to pursue the known options within his or her technical grasp" (Office Action, page 7, item 14), and since the Office has failed to provide a statement or showing of motivation to manipulate such particulars in the fashion claimed, Applicants submit that a *prima facie* case of obviousness over *Tomiyama* has not been adequately set forth by the Office.

Accordingly, Applicants request withdrawal of this rejection.

Provisional Non-Statutory Obviousness-Type Double Patenting Rejection

Applicants respectfully request that this *provisional* rejection be held in abeyance until the present application is in condition for allowance for the following reasons. A terminal disclaimer can be filed, if the claims in the present application remain obvious in view of the claims of cited U.S. patent applications 11/575,255 at the time of allowance of the present application. Furthermore, additional amendments (if needed for allowance of these claims) may eliminate the double-patenting rejection, making the filing of a Terminal Disclaimer at this time premature. Indeed, M.P.E.P. § 804.02 IV states that, prior to issuance,

it is necessary to disclaim each one of the double patenting references applied. Hence, Applicants respectfully request that the examiner contact the undersigned should the present amendments and arguments be accepted and should the present application be otherwise in condition for allowance. At that time, a terminal disclaimer if warranted can be supplied to expedite issuance of this case.

Additionally, please note that the present application has an effective U.S. filing date of February 22, 2005 whereas U.S. patent application 11/575,255 has an effective filing date of September 12, 2005. Therefore the present application is clearly the earlier filed application when compared to application 11/575,255. Thus, pursuant to M.P.E.P. §804 (Part I.B.1) which states:

“If a ‘provisional’ nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. Or, “If ‘provisional’ ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer.”

Applicants request that this rejection (over 11/575,255) be withdrawn if it remains the only rejection of record.

Claim 18

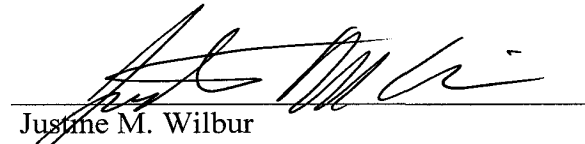
Applicants wish to note that claim 18 is only subject to the provisional non-statutory obviousness-type double patenting rejection of record and was not included in any of the §102 and/or §103 rejections. Accordingly, it is being presumed that claim 18 is allowable if a terminal disclaimer is filed.

Conclusion

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections, rejoinder of the withdrawn claims, and passage of this case to issue.

Respectfully submitted,

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